

**EIGHTY-SEVENTH GENERAL ASSEMBLY  
2018 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

**March 14, 2018**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#"><u>SF 2099</u></a> .....	<a href="#"><u>S-5142</u></a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#"><u>SF 2113</u></a> .....	<a href="#"><u>S-5143</u></a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#"><u>SF 2177</u></a> .....	<a href="#"><u>S-5153</u></a> .....	Filed	BRAD ZAUN
<a href="#"><u>SF 2214</u></a> .....	<a href="#"><u>S-5144</u></a> .....	Filed	DAN DAWSON
<a href="#"><u>SF 2237</u></a> .....	<a href="#"><u>S-5149</u></a> .....	Adopted	JEFF EDLER
<a href="#"><u>SF 2300</u></a> .....	<a href="#"><u>S-5148</u></a> .....	Adopted	MARK SEGEBART
<a href="#"><u>SF 2327</u></a> .....	<a href="#"><u>S-5150</u></a> .....	Filed	CRAIG JOHNSON
<a href="#"><u>SF 2331</u></a> .....	<a href="#"><u>S-5154</u></a> .....	Filed	BRAD ZAUN
<a href="#"><u>SF 2360</u></a> .....	<a href="#"><u>S-5145</u></a> .....	Adopted	AMY SINCLAIR
<a href="#"><u>HF 637</u></a> .....	<a href="#"><u>S-5151</u></a> .....	Filed	COMMITTEE ON APPROPRIATIONS, et al
<a href="#"><u>HF 2284</u></a> .....	<a href="#"><u>S-5152</u></a> .....	Adopted	JANET PETERSEN
<a href="#"><u>HF 2297</u></a> .....	<a href="#"><u>S-5146</u></a> .....	Filed	COMMITTEE ON LABOR AND BUSINESS RELATIONS, et al
<a href="#"><u>HF 2441</u></a> .....	<a href="#"><u>S-5147</u></a> .....	Filed	AMY SINCLAIR

**Fiscal Notes**

[SF 2113](#) — [School Personnel, Child Suicide In-Service Training](#) (LSB5143SV.1)

[HF 2401](#) — [Sexual Offenses](#) (LSB5309HV)

[HF 2406](#) — [School Operational Sharing Incentives for Social Workers](#)  
(LSB5622HZ.1)

HOUSE AMENDMENT TO  
SENATE FILE 2099

S-5142

- 1     Amend Senate File 2099, as passed by the Senate, as follows:
- 2     1. Page 1, before line 1 by inserting:
- 3       <Section 1. Section 633.3, Code 2018, is amended by adding
- 4 the following new subsection:
- 5       NEW SUBSECTION. 30A. *Probate assets* — means a
- 6 decedent's property subject to administration by a personal
- 7 representative.>
- 8     2. Page 1, line 14, by striking <probated> and inserting
- 9 <probated administered>
- 10    3. Page 1, after line 15 by inserting:
- 11       <Sec. \_\_\_\_\_. Section 635.2, subsection 5, Code 2018, is
- 12 amended to read as follows:
- 13       5. A statement that the probate ~~property~~ assets of the
- 14 decedent subject to the jurisdiction of this state does not
- 15 have an aggregate gross value of more than the amount permitted
- 16 under the provisions of section 635.1 and the approximate
- 17 amount of personal property and income for the purposes of
- 18 setting a bond.>
- 19    4. Page 1, by striking lines 27 and 28 and inserting:
- 20       <2. The report and inventory shall ~~show the gross value~~
- 21 ~~of probate assets subject to the jurisdiction of this state~~
- 22 separately specify which assets are probate assets subject to
- 23 the jurisdiction of this state and clearly state their gross
- 24 value and the sum thereof.>
- 25    5. Page 1, line 33, by striking <probated> and inserting
- 26 <probated administered>
- 27    6. Page 1, line 34, by striking <shows> and inserting <shows
- 28 separately specifies>
- 29    7. Page 2, line 5, by striking <statement> and inserting
- 30 <report>
- 31    8. Page 2, by striking lines 19 and 20 and inserting
- 32 <interested parties within a reasonable time from the date of
- 33 issuance of the letters of appointment after the expiration of
- 34 all times following all notices required in chapter 633. The
- 35 closing statement>

S-5142 (Continued)

1     9. Page 2, line 32, by striking <of the estate> and  
2 inserting <~~of the estate~~ explaining how and to whom the probate  
3 assets will be distributed>

4     10. Page 4, line 9, by striking <probate> and inserting  
5 <~~probate~~ report and>

6     11. Page 4, by striking lines 23 through 30 and inserting:  
7     <Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act takes effect January  
8 1, 2020.

9     Sec. \_\_\_\_\_. APPLICABILITY. The following applies January 1,  
10 2020, to estates opened under chapter 635 or converted from  
11 administration under chapter 633 on or after January 1, 2020:

12     The section of this Act amending section 635.1.

13     Sec. \_\_\_\_\_. APPLICABILITY. The following applies January 1,  
14 2020, to estates being probated under chapter 635 on or after  
15 January 1, 2020:

16     The sections of this Act amending sections 633.3, 635.2,  
17 635.7 and 635.8.>

18     12. Title page, line 2, after <including> by inserting  
19 <effective date and>

20     13. By renumbering as necessary.

[S-5142](#) FILED MARCH 13, 2018

HOUSE AMENDMENT TO  
SENATE FILE 2113

S-5143

1     Amend Senate File 2113, as passed by the Senate, as follows:

2     1. By striking everything after the enacting clause and  
3 inserting:

4     <Section 1. Section 256.7, Code 2018, is amended by adding  
5 the following new subsection:

6     NEW SUBSECTION. 33. *a.* For purposes of this subsection:

7     (1) "*Adverse childhood experience*" means the same as defined  
8 in section 279.70.

9     (2) "*Postvention*" means the same as defined in section  
10 279.70.

11    *b.* Adopt rules to require school districts to adopt  
12 protocols for suicide prevention and postvention and the  
13 identification of adverse childhood experiences and strategies  
14 to mitigate toxic stress response. The protocols shall be  
15 based on nationally recognized best practices.

16    Sec. 2. NEW SECTION. 279.70 **Training on suicide prevention**  
17 **and identification of adverse childhood experiences and**  
18 **strategies to mitigate toxic stress response.**

19    1. For purposes of this section, unless the context  
20 otherwise requires:

21    *a.* "*Adverse childhood experience*" means a potentially  
22 traumatic event occurring in childhood that can have negative,  
23 lasting effects on an individual's health and well-being.

24    *b.* "*Postvention*" means the provision of crisis intervention,  
25 support, and assistance for those affected by a suicide or  
26 suicide attempt to prevent further risk of suicide.

27    2. By July 1, 2019, the board of directors of a school  
28 district shall require annual, evidence-based training at  
29 least one hour in length on suicide prevention and postvention  
30 for all school personnel who hold a license, certificate,  
31 authorization, or statement of recognition issued by the board  
32 of educational examiners and who have regular contact with  
33 students in kindergarten through grade twelve. The content  
34 of the training shall be based on nationally recognized best  
35 practices.

S-5143 (Continued)

1       3. By July 1, 2019, the board of directors of a  
2 school district shall require annual, evidence-based,  
3 evidence-supported training on the identification of adverse  
4 childhood experiences and strategies to mitigate toxic  
5 stress response for all school personnel who hold a license,  
6 certificate, authorization, or statement of recognition issued  
7 by the board of educational examiners and who have regular  
8 contact with students in kindergarten through grade twelve.  
9 The content of the training shall be based on nationally  
10 recognized best practices.

11       Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3,  
12 shall not apply to this Act.>

13       2. Title page, by striking lines 1 and 2 and inserting <An  
14 Act requiring school employee training and protocols relating  
15 to suicide prevention and the identification of adverse  
16 childhood experiences and strategies to mitigate toxic stress  
17 response.>

S-5143 FILED MARCH 13, 2018

SENATE FILE 2177

S-5153

1 Amend the House amendment, S-5083, to Senate File 2177, as  
2 passed by the Senate, as follows:

3 1. Page 1, lines 26 and 27, by striking <acquisition, or  
4 reasonable belief of unauthorized acquisition,> and inserting  
5 <acquisition>

By BRAD ZAUN

S-5153 FILED MARCH 13, 2018

SENATE FILE 2214

S-5144

- 1 Amend Senate File 2214 as follows:
- 2 1. By striking page 2, line 1, through page 3, line 4.

By DAN DAWSON

S-5144 FILED MARCH 13, 2018



SENATE FILE 2237

S-5149

1 Amend Senate File 2237 as follows:

2 1. Page 1, line 5, after <judgment> by inserting <of a  
3 court not of record, or twenty years from the date of entry of  
4 judgment of a court of record,>

5 2. Page 1, by striking lines 9 through 11 and inserting  
6 <extinguished, and no execution shall be issued. However, in  
7 the event that the judgment or the right to collect thereon is  
8 sold or otherwise assigned>

By JEFF EDLER

S-5149 FILED MARCH 13, 2018

ADOPTED

SENATE FILE 2300

S-5148

1 Amend Senate File 2300 as follows:

2 1. Page 1, by striking lines 11 through 14 and inserting  
3 <The workgroup shall consist of representatives from the  
4 departments of human services, education, public health,  
5 public safety, and human rights, the department on aging,  
6 and the office of the attorney general; a court appointed  
7 special advocate; and other experts the department of human  
8 services deems necessary. The membership of the workgroup  
9 shall also include four members of the general assembly. The  
10 legislative members shall serve as ex officio, nonvoting  
11 members of the workgroup, with one member to be appointed by  
12 each of the following: the majority leader of the senate,  
13 the minority leader of the senate, the speaker of the house  
14 of representatives, and the minority leader of the house of  
15 representatives. The workgroup shall submit a report on the  
16 study>

By MARK SEGEBART

S-5148 FILED MARCH 13, 2018

ADOPTED

SENATE FILE 2327

S-5150

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 2, line 18, after <board> by inserting <or a  
3 community college>
- 4 2. Page 3, line 29, after <Iowa> by inserting <, and the  
5 remainder of the applicant's apprentices shall be residents of  
6 states contiguous to Iowa>
- 7 3. Page 5, line 5, by striking <261.130 and 261.131> and  
8 inserting <261.131 and 261.132>
- 9 4. Page 5, line 30, by striking <261.130 or 261.131> and  
10 inserting <261.131 or 261.132>
- 11 5. Page 5, line 32, by striking <261.130> and inserting  
12 <261.131>
- 13 6. Page 5, line 34, by striking <261.131> and inserting  
14 <261.132>
- 15 7. Page 6, line 21, by striking <261.130> and inserting  
16 <261.131>
- 17 8. Page 6, line 23, by striking <261.131> and inserting  
18 <261.132>
- 19 9. Page 6, line 24, after <7A.> by inserting <In addition  
20 to the list created by the workforce development board under  
21 this subsection, each community college, in consultation with  
22 regional career and technical education planning partnerships,  
23 and with the approval of the board of directors of the  
24 community college, may identify and maintain a list of not  
25 more than five regional high-demand jobs in the community  
26 college region, and shall share the lists with the workforce  
27 development board. The lists submitted by community colleges  
28 under the subsection may be used in that community college  
29 region for purposes of programs identified under this  
30 subsection.>
- 31 10. Page 6, line 26, after <prioritize> by inserting  
32 <statewide>
- 33 11. Page 6, line 30, before <determines> by inserting <, or  
34 a community college in accordance with this subsection,>
- 35 12. Page 6, line 35, by striking <261.130> and inserting

S-5150 (Continued)

- 1 <261.131>
- 2 13. Page 7, line 1, by striking <261.131> and inserting
- 3 <261.132>
- 4 14. Page 7, line 4, by striking <261.130 and 261.131> and
- 5 inserting <261.131 and 261.132>
- 6 15. Page 7, line 6, by striking <261.130 and 261.131> and
- 7 inserting <261.131 and 261.132>
- 8 16. Page 8, line 27, after <board> by inserting <or a
- 9 community college>
- 10 17. Page 9, line 21, by striking <261.130 and 261.131> and
- 11 inserting <261.131 and 261.132>
- 12 18. Page 9, line 24, by striking <261.130 or 261.131> and
- 13 inserting <261.131 or 261.132>
- 14 19. Page 9, after line 33 by inserting:
- 15 <f. Whether the proposal addresses areas of workforce need
- 16 throughout the region.>
- 17 20. Page 10, by striking lines 13 and 14.
- 18 21. Page 10, line 15, by striking <261.130> and inserting:
- 19 <Sec. \_\_\_\_\_. NEW SECTION. 261.131>
- 20 22. Page 12, line 2, after <board> by inserting <or
- 21 community college>
- 22 23. Page 12, line 3, by striking <department removes a
- 23 high-demand job from the list> and inserting <board or a
- 24 community college removes a high-demand job from a list>
- 25 24. Page 16, line 4, by striking <261.131> and inserting
- 26 <261.132>
- 27 25. Page 19, by striking line 27 and inserting <up to the
- 28 full amount of grant payments made during that semester, or the
- 29 equivalent, shall>
- 30 26. Page 20, by striking lines 11 and 12 and inserting
- 31 <awarding eligible students approved for grants based on the
- 32 date of application, rather than prorating grant awards among
- 33 all eligible students.>
- 34 27. Page 21, line 7, by striking <created in section 84A.1B>
- 35 and inserting <or a community college pursuant to section

S-5150 (Continued)

1 84A.1B, subsection 13A>

2 28. By renumbering, redesignating, and correcting internal  
3 references as necessary.

By CRAIG JOHNSON

S-5150 FILED MARCH 13, 2018

SENATE FILE 2331

S-5154

1 Amend Senate File 2331 as follows:

2 1. Page 1, by striking lines 14 through 16 and inserting:  
3 <NEW PARAGRAPH. 1. For an interest-bearing consumer loan,  
4 a service charge in an amount not to exceed the lesser of ten  
5 percent of the amount financed or thirty dollars. A creditor  
6 shall not contract for, receive, or collect a service charge  
7 pursuant to this paragraph from the same borrower more than  
8 three times in any twelve-month period. For a transaction in  
9 which all or part of the proceeds will be used to pay off a  
10 previous consumer loan between the same borrower and the same  
11 creditor, for which the borrower has already been assessed a  
12 service charge, the service charge on the new consumer loan  
13 shall not exceed the lesser of ten percent of the amount  
14 financed by the new consumer loan, less the amount required to  
15 pay off the previous consumer loan, or thirty dollars. For  
16 purposes of this paragraph, "*creditor*" includes a person related  
17 to the creditor by common ownership or control, a person with  
18 whom the creditor has any financial interest, or any employee  
19 or agent of the creditor.>

By BRAD ZAUN

S-5154 FILED MARCH 13, 2018

SENATE FILE 2360

S-5145

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 1, by striking lines 9 through 13.
- 3 2. Page 1, by striking line 15.
- 4 3. Page 1, line 22, by striking <Two providers> and
- 5 inserting <One provider>
- 6 4. Page 1, line 26, after <2.> by inserting <The director of
- 7 the department of education or the director's designee shall
- 8 convene the task force.>
- 9 5. By renumbering, redesignating, and correcting internal
- 10 references as necessary.

By AMY SINCLAIR

S-5145 FILED MARCH 13, 2018

ADOPTED

HOUSE FILE 637

S-5151

- 1 Amend House File 637, as passed by the House, as follows:
- 2 1. Page 1, line 3, by striking <2017> and inserting <2018>
- 3 2. Page 1, line 21, by striking <check and> and inserting
- 4 <check and, if requested,>
- 5 3. Page 1, line 34, by striking <2017> and inserting <2018>
- 6 4. Page 2, line 11, by striking <2017> and inserting <2018>
- 7 5. Page 2, line 14, by striking <2017> and inserting <2018>
- 8 6. Page 3, line 1, by striking <The applicant shall> and
- 9 inserting <If a background investigation is conducted, the
- 10 applicant shall>
- 11 7. Page 3, after line 17 by inserting:
- 12 <DIVISION \_\_\_\_
- 13 EFFECTIVE DATE
- 14 Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed of
- 15 immediate importance, takes effect upon enactment.>
- 16 8. Title page, line 4, by striking <division and> and
- 17 inserting <division,>
- 18 9. Title page, line 4, by striking <council> and inserting
- 19 <council, and including effective date provisions>
- 20 10. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS

CHARLES SCHNEIDER, CHAIRPERSON

S-5151 FILED MARCH 13, 2018



S-5152

1 Amend House File 2284, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 614.1, subsection 12, Code 2018, is  
5 amended to read as follows:

6 12. *Sexual abuse or sexual exploitation by a counselor,*  
7 *therapist, or school employee.* An action for damages for  
8 injury suffered as a result of sexual abuse, as defined in  
9 section 709.1, by a counselor, therapist, or school employee,  
10 as defined in section 709.15, or as a result of sexual  
11 exploitation by a counselor, therapist, or school employee  
12 shall be brought within ~~five~~ ten years of the date the victim  
13 was last treated by the counselor or therapist, or within  
14 ~~five~~ ten years of the date the victim was last enrolled in or  
15 attended the school. If the victim was a minor when the injury  
16 or exploitation occurred, an action may be brought according  
17 to section 614.8A.

18 Sec. \_\_\_\_\_. Section 614.8, Code 2018, is amended to read as  
19 follows:

20 **614.8 Minors and persons with mental illness.**

21 1. The times limited for actions in this chapter, or for  
22 complaints or claims in chapter 216, 669, or 670, except those  
23 brought for penalties and forfeitures, are extended in favor  
24 of persons with mental illness, so that they shall have one  
25 year from and after the termination of the disability within  
26 which to file a complaint pursuant to chapter 216, to make a  
27 claim pursuant to chapter 669 or 670, or to otherwise commence  
28 an action.

29 2. Except as provided in section 614.1, subsection 9, or  
30 section 614.8A, the times limited for actions in this chapter,  
31 or for complaints or claims in chapter 216, 669, or 670, except  
32 those brought for penalties and forfeitures, are extended in  
33 favor of minors, so that they shall have one year from and  
34 after attainment of majority within which to file a complaint  
35 pursuant to chapter 216, to make a claim pursuant to chapter

1 669, or to otherwise commence an action.

2 Sec. \_\_\_\_\_. Section 614.8A, Code 2018, is amended to read as  
3 follows:

4 **614.8A ~~Damages~~ Commencement of action for minor or child**  
5 **sexual abuse — time limitation.**

6 1. Notwithstanding section 614.8, subsection 2, and the  
7 times limited for actions in this chapter, the time to file an  
8 action relating to sexual abuse which occurred when the injured  
9 person was a minor is extended twenty-five years beyond the  
10 minor's attainment of eighteen years of age.

11 2. ~~An~~ In addition to the extension of time provided in  
12 subsection 1, an action for damages for injury suffered as  
13 a result of sexual abuse which occurred when the injured  
14 person was a child, but not discovered until after the injured  
15 person is of the age of majority, shall be brought within ~~four~~  
16 twenty-five years from the time of discovery by the injured  
17 party of both the injury and the causal relationship between  
18 the injury and the sexual abuse.>

19 2. Title page, lines 1 and 2, by striking <period for  
20 executing judgments on claims for rent> and inserting <periods  
21 for certain civil actions>

22 3. By renumbering as necessary.

By JANET PETERSEN

[S-5152](#) FILED MARCH 13, 2018

ADOPTED

HOUSE FILE 2297

S-5146

1 Amend House File 2297, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, line 20, after <inspection.> by inserting <For  
4 purposes of this subsection, "dry lay-up" means a process  
5 whereby a boiler is taken out of service for a period of six  
6 months or longer, drained, dried, and cleaned, and measures to  
7 prevent corrosion are performed on the boiler.>

By COMMITTEE ON LABOR AND BUSINESS

RELATIONS

JASON SCHULTZ, CHAIRPERSON

S-5146 FILED MARCH 13, 2018

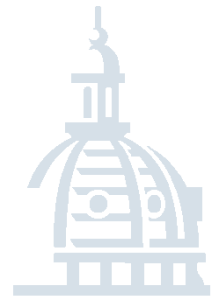
HOUSE FILE 2441

S-5147

1 Amend House File 2441, as amended, passed, and reprinted by  
2 the House, as follows:  
3 1. Page 3, by striking lines 7 through 22 and inserting  
4 ~~<December 15~~ January 15 of the year preceding the budget year  
5 during which the program will be offered. The ~~department~~  
6 school budget review committee shall review the request  
7 and shall ~~prior to January 15~~ either grant approval for the  
8 request ~~or return the request for approval with comments of the~~  
9 ~~department included~~ if the amount requested does not exceed an  
10 amount equal to the limitation of section 257.41, subsection  
11 3, minus any funds for the adopted program carried forward  
12 from the year prior to the base year. ~~An unapproved request~~  
13 ~~for a program may be resubmitted with modifications to the~~  
14 ~~department not later than February 1.~~ The board of director's  
15 shall certify by resolution that the request complies with  
16 the school district's adopted program plan. If the amount  
17 requested exceeds an amount equal to the limitation of section  
18 257.41, subsection 3, minus any funds for the adopted program  
19 carried forward from the year prior to the base year, the  
20 amount approved by the school budget review committee shall  
21 equal the limitation amount minus any funds for the adopted  
22 program carried forward from the year prior to the base year.  
23 ~~Not later than February~~ March 15, the ~~department~~ school budget  
24 review committee>

By AMY SINCLAIR

S-5147 FILED MARCH 13, 2018



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**SF 2113** – Suicide Prevention Training (LSB5143SV.1)

Analyst: Robin Madison (515.281.5270) [robin.madison@legis.iowa.gov](mailto:robin.madison@legis.iowa.gov)

Fiscal Note Version – As Amended by House Amendment **S-5143**

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**Description**

House Amendment **S-5143** to **Senate File 2113** strikes everything after the enacting clause and inserts the following requirements:

- The State Board of Education must adopt rules requiring school districts to adopt protocols for suicide prevention and postvention and for the identification of adverse childhood experiences to mitigate toxic stress response. The protocols must be based on nationally recognized best practices.
- Local school boards must require at least one hour annually of evidence-based training in suicide prevention and postvention, based on nationally recognized best practices, for school personnel who have regular contact with students and who hold a license, certificate, authorization, or statement of recognition from the Board of Educational Examiners. The Amendment sets a July 1, 2019, deadline for school boards to establish the requirement.
- Local school boards must require annual, evidence-based, evidence-supported training, based on nationally recognized best practices, in the identification of adverse childhood experiences and strategies to mitigate toxic stress response. The training must be provided to school personnel who have regular contact with students and who hold a license, certificate, authorization, or statement of recognition from the Board of Educational Examiners. The Amendment sets a July 1, 2019, deadline for school boards to establish the requirement.

**Background**

A number of organizations offer evidence-based training in suicide prevention and postvention and in trauma-informed care, either online or in-person, free of charge to school districts. The organizations include the [National Alliance on Mental Illness \(NAMI\)](#) and the [American Foundation for Suicide Prevention \(AFSP\)](#), as well as Iowa-based organizations such as UnityPoint Health, [Orchard Place](#), [Please Pass the Love](#), and [Central Iowa ACEs 360](#). The majority of these offerings are one or two hours in length.

**Assumptions**

Each school district would determine when and how to offer the training required in the Amendment and would have the option to include it in existing in-service or professional development time that occurs during the contract day but when students are not in attendance. While this may supplant some other subject matter or activity, it would be without additional cost to the school district.

Some districts may choose to provide the training at a time when substitute teachers or teacher pay for noncontract time would be necessary, but it is not required by the Amendment.

**Fiscal Impact**

House Amendment [S-5143](#) to [SF 2133](#) has no fiscal impact to the State. The impact to local districts cannot be estimated but would be determined by the individual districts, based on decisions regarding the use of school time or noncontract time to provide the training.

**Sources**

Department of Education  
Iowa Association of School Boards  
Please Pass the Love.org

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/s/ Holly M. Lyons

March 13, 2018

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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**HF 2401** – Sexual Offenses (LSB5309HV)

Analysts: Laura Book (515.205.9275) [larua.book@legis.iowa.gov](mailto:larua.book@legis.iowa.gov)

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Fiscal Note Version – As Amended and Passed by the House

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**Description — All Divisions**

**House File 2401** makes a variety of changes to child abuse and sex offender laws. Of the six divisions in the Bill, two will have a fiscal impact and four are expected to have little or no fiscal impact.

- Fiscal Impact: Divisions I, VI
- Little or no fiscal impact: Divisions II, III, IV, V

**DIVISION I: Sexually Violent Predators — Accumulation of Earned Time**

**Description**

Division I relates to sexually violent predators and the accumulation of earned time by offenders, and provides penalties. The Division makes various changes to provisions relating to the release of sexually violent predators under Iowa Code chapter [229A](#).

Division I specifies that an inmate committed to the Department of Corrections (DOC) who is required to participate in a sex offender or domestic abuse treatment program shall not be eligible for any reduction of sentence until the inmate participates in and completes a sex offender or domestic abuse treatment program. The Division specifies that an inmate committed to the DOC may be ordered to forfeit any or all earned time if the inmate has failed to complete a sex offender or domestic abuse treatment program as specified in Iowa Code section [903A.2](#).

**Background**

Under Iowa Code section [903A.2\(1\)\(a\)\(2\)](#), an inmate required to participate in a sex offender treatment program (SOTP) shall not be eligible for a reduction of sentence unless the inmate participates in and completes an SOTP. Failure to complete treatment includes refusal to attend or removal by corrections officers. Prior to 2016, the DOC policy interpreted this language to mean that an inmate could no longer accrue any earned time after refusing to attend the DOC's SOTP, but would not lose any previously accrued earned time. In January 2016, the DOC revised its policy to also include the forfeiture of previously accrued earned time. In 2017, the Iowa Supreme Court ruled in [State v. Iowa District Court for Jones County](#) that the DOC policy prior to 2016 applied and that the DOC could not lawfully forfeit an offender's earned time accrued prior to the offender's refusal of or removal from the SOTP.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- In FY 2017, 33 offenders were unsuccessful in the Domestic Abuse Treatment Program. It is assumed that 33 offenders will be unsuccessful in the program annually.
- In FY 2017, 43 offenders were unsuccessful in the SOTP. It is assumed that 43 offenders will be unsuccessful in the program annually.
- The maximum sentence imposed on average would add six years after loss of earned time for those unsuccessful in the SOTP and seven years for those unsuccessful in the Domestic Abuse Treatment Program.
- The annual marginal cost of prison per day is equal to the daily marginal cost multiplied by 365 days ( $\$17.52 \times 365 = \$6,394.80$ ).

### **Correctional Impact**

No additional persons will be convicted because of the provisions in this Division. The impact will occur because the length of stay for offenders who were unsuccessful in the treatment programs will increase due to loss of earned time. This impact will begin in FY 2019 and continue to increase until FY 2024. The additional costs are outlined in the Fiscal Impact section of this Fiscal Note. The Bill is expected to increase the prison population due to the increased length of stay after forfeiture of earned time.

**Table 1 — [HF 2401](#) Estimated Prison Population Changes**

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
SOTP	43	86	129	172	215	215
Domestic Abuse Treatment	33	66	99	132	165	198
<b>Total Additional Population</b>	<b>76</b>	<b>152</b>	<b>228</b>	<b>304</b>	<b>380</b>	<b>413</b>

\*On average, offenders stay an additional 6 years for SOTP and 7 years for Domestic Abuse Treatment.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

### **Minority Impact**

Of the current active offenders, three of the six offenders unsuccessful in the Domestic Abuse Treatment Program and four of the 22 offenders unsuccessful in the SOTP are African-American. This division is not estimated to have a minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

### **Fiscal Impact**

[House File 2401](#) will have a fiscal impact on the operating budget of the DOC due to the increased length of stay for offenders who are unsuccessful in the SOTP or the Domestic Abuse Treatment Program. It is estimated there will be 43 unsuccessful participants in the SOTP and 33 unsuccessful participants in the Domestic Abuse Treatment Program annually. The marginal



costs are estimated to increase until FY 2024, when the prison population is no longer expected to further increase as a result of the Bill.

**Table 2 — [HF 2401](#) Additional Prison Costs Per Year**

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Additional Population	76	152	228	304	380	413
Annual Marginal Cost Per Inmate	\$ 6,395	\$ 6,395	\$ 6,395	\$ 6,395	\$ 6,395	\$ 6,395
<b>Total Additional Cost Per Year</b>	<b>\$ 486,000</b>	<b>\$ 972,000</b>	<b>\$1,458,000</b>	<b>\$1,944,000</b>	<b>\$2,430,000</b>	<b>\$2,641,000</b>

\*Totals may not sum due to rounding of marginal cost.

## **DIVISION II: Child Abuse — Sexual Offenses and Sex Offenders**

### **Description**

Division II amends the definition of child abuse in Iowa Code section [232.68](#) in the following ways:

- Modifies the criteria for “commission of a sexual offense” to establish that the offense only applies to a person who is 14 years old or older. Under current law, the offense applies regardless of age.
- Modifies the criteria for “allowing access to a registered sex offender” to establish that the offense applies to a person responsible for the care of a child who knowingly allows a person who is required to register on the sex offender registry access to the child, and provides some exceptions.

### **Assumptions**

- According to the Department of Human Services (DHS), there were 263 assessments in FY 2017 accepted under commission of a sexual offense where the alleged perpetrator was less than 12 years old. This represents 0.9% of accepted child abuse assessments. There were 571 cases where the perpetrator was 18 years old and younger.
- An unknown number of these cases may still be accepted for referral under the criteria for caretaker status or a different criterion of child abuse.
- The exact status of caseloads of Social Worker III classification cannot be determined. Actual caseloads vary from county to county, and some are reported much higher than the statewide average.
- Expenditures in the child welfare system have a State match of 89.0% with federal funds.
- Programming changes will need to be made to the Child Welfare Information System (CWIS) for the modified criteria in the Division.

### **Fiscal Impact**

This Division may have a positive impact on the DHS Field Operations operating budget. Fewer commissions of sexual offense referral cases will lead to decreased caseloads for Social Worker III employees. Due to the unknown nature of net referral changes and the variability of caseloads across the State, the total savings is unknown.

Changes to programming for the CWIS are estimated to be minimal and will be absorbed in the DHS General Administration appropriation.

### **DIVISION III: Sexual Offenders and Predators — Registration and Child Endangerment**

#### **Description**

Division III of this Bill relates to the criminal offense of child endangerment. This Division would modify Iowa Code section [726.6\(h\)](#) so that child endangerment is committed only if the sex offender defined below is required to register or is on the sex offender registry because of a sex offense committed against a minor. The Division also adds a new section stating that a person who has had to register or is on the sex offender registry because of a sex offense committed against a minor commits child endangerment if the sex offender knowingly takes custody or control of a child or minor, or knowingly has unsupervised access to a child or minor. This would not apply if the sex offender is a parent or guardian of the child or minor nor is a spouse of the parent, guardian, or person having custody or control of the child or minor.

#### **Background**

The Sex Offender Registry was created in Iowa Code chapter [692A](#) during the 1995 Legislative Session. Residency restrictions were added in 2002, and the registry law was amended in 2005 and 2009. Any person convicted of a sex offense in Iowa, or required to register in another jurisdiction under that sex offender registry, is required to register in this State if the offender resides, is employed, or attends school in this State. A juvenile convicted of a sex offense is required to register as a sex offender unless the juvenile court waives that requirement. Each offender is classified as either a tier I, tier II, or tier III offender. Tiers contain sex offenses in ascending order of severity, with tier III being the most serious. The tier classification determines the frequency of the verification of relevant information at the county sheriff's office and determines when an offender is eligible to apply for a modification of registration requirements. The classification system does not affect the duration of the registration requirement.

Currently under Iowa Code section [726.6](#), a parent, guardian, or person having custody or control over a child or a minor under the age of 18 with a mental or physical disability, or a person who is a member of the household where a child or such a minor resides, commits child endangerment when that person knowingly allows a person who is required to register or is on the sex offender registry custody or control of, or unsupervised access to, a child or minor. The charge of child endangerment does not apply if the sex offender is a parent or guardian of the child or minor nor is a spouse of the parent, guardian, or person having custody or control of the child or minor.

A conviction of child endangerment can range from an aggravated misdemeanor to a Class B felony, depending on the circumstances of the case. **Table 3** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of Class B, Class C, Class D, and aggravated misdemeanor child endangerment.

**Table 3 — Sentencing Estimates**

	Percent to Prison	Avg. LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg. LOS Parole (months)	Percent to Probation	Avg. LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg. LOS County Jail (days)	Marginal Cost/Day Jail
Class B Felony Persons	93.0%	90.2	\$17.52	33.3	9.0%	34.9	\$4.93	4.0%	\$10.56	44.0%	N/A	\$50.00
Class C Felony Persons	85.0%	38.9	\$17.52	20.1	29.0%	36.7	\$4.93	4.0%	\$10.56	34.0%	N/A	\$50.00
Class D Felony Persons	77.0%	15.4	\$17.52	10.9	51.0%	29.7	\$4.93	8.0%	\$10.56	25.0%	N/A	\$50.00
Aggravated Misd. Persons	47.0%	9	\$17.52	4.9	70.0%	19.3	\$4.93	4.0%	\$10.56	51.0%	N/A	\$50.00

**Assumptions**

- There is no reliable data available on sex offenders residing with children who are not the offenders' offspring. It is expected that these situations would be infrequent.
- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner LOS; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.

**Correctional Impact**

It is estimated that there would be a minimal correctional impact from this Division, as situations it would address would be infrequent. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

**Minority Impact**

It is estimated that the minority impact of this Bill would be minimal. In the last five years, convictions under Iowa Code section [726.6](#) have been predominately Caucasian males. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

**Fiscal Impact**

It is estimated that the fiscal impact of this Division would be minimal. The State's cost for one additional conviction of child endangerment would be:

- \$3,300 to \$6,600 for an aggravated misdemeanor.
- \$7,900 to \$12,100 for a Class D felony.
- \$9,000 to \$17,200 for a Class C felony.
- \$12,500 to \$29,600 for a Class B felony.

The minimum cost includes court time for a district associate judge or a district court judge, court reporter, court attendant, and clerk of court staff, plus the costs of probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, State prison, and parole supervision.

## **DIVISION IV: Lascivious Conduct with a Minor**

### **Description**

Division IV relates to the criminal offense of lascivious conduct with a minor. The Division expands the definition of lascivious conduct with a minor and classifies the conviction as either a serious or an aggravated misdemeanor, depending on the elements of the offense. A person who violates the provisions of the Division must register as a sex offender pursuant to Iowa Code chapter [692A](#).

### **Background**

Division IV does not change the current offense of lascivious conduct with a minor as prescribed in Iowa Code section [709.14](#). The current offense is punishable as a serious misdemeanor.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner LOS; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Fifty percent of dismissed or acquitted charges may become convictions under this Bill.

### **Impacts**

#### **Correctional Impact**

The correctional impact of [HF 2401](#) is estimated to be minimal. In FY 2017, there were 14 convictions of lascivious conduct with a minor under Iowa Code section [709.14](#). In FY 2017, there were nine dismissed or acquitted charges of lascivious conduct with a minor. The Bill is expected to increase jail orders and probation orders by three orders annually.

Under the expanded definition of lascivious acts with a minor, the conviction is either a serious or an aggravated misdemeanor depending on the elements of the offense. **Table 4** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors (sex offenses) and serious misdemeanors. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

**Table 4 – Estimates for Sentencing**

Conviction Offense Class	Percent Sentenced to State Prison	FY 17 Avg. Length of Stay in Prison (months)	FY 17 Prison Marginal Cost/Day	Avg. Length of Stay on Parole (months)	FY 17 Marginal Cost/Day Parole	Percent Sentenced to Probation	Avg. Length of Stay on Probation (months)	FY 17 Avg. Cost/Day on Probation	Percent Sentenced to CBC Residential Facility	FY 17 Marginal CBC Cost/Day	Percent Sentenced to County Jail	Avg. Length of Stay in County Jail (Days)	Marginal Cost/ Day
Aggravated Misdemeanor (Sex Offense)	78.0%	15	\$17.52	3.9	\$4.93	46.0%	22.9	\$4.93	9.0%	\$10.56	26.0%	N/A	\$50.00
Serious Misdemeanor	2.0%	7.3	\$18.51	N/A	\$4.59	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00

**Minority Impact**

There is no minority impact expected under this Division. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact of this Division is estimated to be minimal. **Table 5** contains estimates for the average State cost per offense class type.

**Table 5 – Average State Cost Per Offense Class Type**

<b>Offense Class</b>	<b>Total Minimum Cost</b>	<b>Total Maximum Cost</b>
Aggravated Misdemeanor	\$3,300	\$6,600
Serious Misdemeanor	\$250	\$4,900

**DIVISION V: Sex Offender Housing Workgroup**

**Description**

This Division directs the DOC to lead a workgroup to study the issue of housing for the placement of aging sex offenders who qualify for release from the custody of the DOC or the DHS. The workgroup is required to meet to study this issue and submit a report with recommendations to the General Assembly by January 2019.

**Fiscal Impact**

Division V is not estimated to have a fiscal impact.

**DIVISION VI: Sex Offender Treatment and Supervision Task Force**

**Description**

Division VI directs the Criminal and Juvenile Justice Planning (CJJP) Division of the Department of Human Rights to establish a Sex Offender Treatment and Supervision Task Force and lists the task force members. A report with recommendations is to be filed with the General Assembly by July 1, 2019. Duties of the task force are:

- Study the effectiveness of electronic monitoring.
- Study risk assessment models created for sex offenders.
- Review the efforts of Iowa and other states in implementing treatment programs.
- Make recommendations on the best treatment options available for sex offenders.
- Develop a plan to integrate State government databases for updating addresses of persons on the sex offender registry.

Task force members will include members of the General Assembly selected by the Legislative Council and representatives from each of the following:

- Department of Transportation.
- Iowa Civil Liberties Union.
- Department of Human Services.
- Department of Public Safety.
- Iowa State Sheriffs' and Deputies' Association.
- Iowa County Attorneys Association.
- Department of Corrections.
- Board of Parole.

- Judicial Districts of the Department of Correctional Services.
- Department of Justice.
- State Public Defender.
- Iowa Coalition Against Sexual Assault.

### **Background**

The CJJP currently staffs the existing Sex Offender Research Council (SORC) as created in Iowa Code section [216A.139](#).

### **Assumptions**

Most, but not all, of the required members are already represented on the SORC.

### **Fiscal Impact**

Division VI is estimated to have a minimal fiscal impact. There would be no fiscal impact to the CJJP if the SORC were utilized and additional identified members participated in those meetings. If an additional task force were created requiring CJJP staffing, the estimated cost to provide staff and administrative support would be \$50,000 for 0.5 full-time equivalent (FTE) position.

## **ALL DIVISIONS**

### **Fiscal Impact — All Divisions**

Table 6 outlines the estimated increased costs in [HF 2401](#).

**Table 6**

<b>Estimated Impact of HF 2401</b>					
	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>	<b><u>FY 2022</u></b>	<b><u>FY 2023</u></b>
Division I – Department of Corrections	\$486,000	\$972,000	\$1,458,000	\$1,944,000	\$2,430,024
Division VI – CJJP Higher Estimate	50,000	0	0	0	0
<b>Grand Total</b>	<b><u>\$536,000</u></b>	<b><u>\$972,000</u></b>	<b><u>\$1,458,000</u></b>	<b><u>\$1,944,000</u></b>	<b><u>\$2,430,024</u></b>

### **Correctional Impact — All Divisions**

The correctional impact of [HF 2401](#) is estimated to be minimal. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

### **Minority Impact — All Divisions**

There is no minority impact expected for [HF 2401](#). Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

### **Sources**

Child Welfare Policy and Practice Group, [Initial Targeted Child Welfare Review](#)  
 Department of Corrections  
 Department of Human Rights, Criminal and Juvenile Justice Planning Division

Department of Human Services  
Department of Public Safety  
Judicial Branch, Office of the State Court Administrator  
Office of the State Public Defender  
[State v. Iowa District Court for Jones County](#), 909 N.W.2d 811 (2017).

\_\_\_\_\_  
/s/ Holly M. Lyons

March 13, 2018

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.  
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# Fiscal Note

*Fiscal Services Division*



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**HF 2406** – School Operational Sharing Incentives for Social Workers (LSB5622HZ.1)  
Analyst: Josie Gerriets (515.238.2833) [josie.gerriets@legis.iowa.gov](mailto:josie.gerriets@legis.iowa.gov)  
Fiscal Note Version – Revised based on enactment of **HF 2230** (School Foundation Program Funding Act)

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## **Description**

**House File 2406** allows school districts to enter into sharing agreements for the purpose of sharing a social worker and generating operational sharing weightings in the school aid formula at a level of 3.0 weights. The Bill takes effect upon enactment and applies to the FY 2019 school year.

## **Background**

The operational sharing provision in the school aid formula was originally enacted in FY 2007 and implemented beginning in FY 2008. It was continued and expanded during the 2013 and 2014 Legislative Sessions and currently includes the following positions:

- Superintendent management functions, at a weighting factor of 8.0 pupils per position.
- Business management, human resources, transportation, and operation and maintenance functions, at a weighting factor of 5.0 pupils per function.
- Curriculum director and guidance counselor functions, at a weighting factor of 3.0 pupils per function.

School districts may accrue up to 21.0 additional weights in total through this provision. Fiscal Year 2020 is the final year of the operational sharing program unless the sunset is lifted.

## **Assumptions**

- Districts have already submitted their FY 2019 sharing agreements for review by the Department of Education. The first year districts would be able to enter into agreements under this provision would be FY 2020.
- There are an estimated 234 districts sharing various positions. Of these, 86 districts have already reached the maximum weighting of 21.0, and an additional nine districts are sharing above the 18.0 level and would not be able to generate the full 3.0 weighting. Of the districts sharing, an estimated 26.9% share in the curriculum director area and 36.8% share counselors; these are the two functions allowed for 3.0 weighting.
- Of the 234 districts currently sharing, 139 will be ineligible for sharing in FY 2020 due to the three-year limit on operational sharing in current law.
- It is estimated that between 27.0% and 37.0% of districts that have not reached maximum weighting and will still have sharing eligibility will choose to share social workers. This is an additional 25 to 34 school districts.
- The State cost per pupil is set at the FY 2019 level; \$6,736 and the Property Tax Replacement Payment (PTRP) at \$92 per student. Any change in the State cost per pupil or PTRP will affect the total cost.
- **House File 633** (Operational Sharing Extension) passed the House on April 18, 2017, and has passed out of the Bill subcommittee in the Senate. If enacted, more districts will be



eligible for the weighting as the three-year limit will be lifted. A fiscal estimate is provided for HF 2406 under current law (**Table 1**) and if HF 633 is enacted (**Table 2**).

**Table 1**

<b>Estimated Impact of HF 2406 — FY 2020 School State Aid (Sunset and 3-Year Limit Removed)</b>		
	<u>Low Estimate</u>	<u>High Estimate</u>
Number of Districts	40	54
Number of Weights Generated	120	162
Property Tax	\$ 90,000	\$ 121,500
State Aid	<u>\$ 718,320</u>	<u>\$ 969,732</u>
Total Estimated Revenue to Schools	<u>\$ 808,320</u>	<u>\$ 1,091,232</u>

**Table 2**

<b>Estimated Impact of HF 2406 — FY 2020 School State Aid (Current Law)</b>		
	<u>Low Estimate</u>	<u>High Estimate</u>
Number of Districts	25	34
Number of Weights Generated	75	102
Property Tax	\$ 56,250	\$ 76,500
State Aid	<u>\$ 448,950</u>	<u>\$ 610,572</u>
Total Estimated Revenue to Schools	<u>\$ 505,200</u>	<u>\$ 687,072</u>

**Sources**

Department of Education  
Legislative Services Agency analysis and calculations

/s/ Holly M. Lyons

March 13, 2018

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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